IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA Plaintiff, vs. BASILIO BEZA-GARY Defendant	Crim. No. 93-199(JAF)

MOTION REQUESTING SENTENCING IN ABSENTIA

TO THE HONORABLE JOSE A. FUSTE
CHIEF JUDGE FOR THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMES NOW the Federal Public Defender and very respectfully STATES and PRAYS as follows:

On January 8, 2002, Basilio Beza-Gary was sentenced for violations to his supervised release to a term of 10 months imprisonment to be served consecutively with a sentence to be later imposed in the local courts. (Docket Entry 258)

After defendant filed a timely notice of appeal on January 15, 2002, (Docket Entry 261), the Court of Appeals for the First Circuit entered Judgment remanding the case for re-sentencing on November 27, 2002 .

The Judgement from the Court of Appeals was received on February 13, 2003, (Docket Entry 285) and the case was set for sentencing almost seven months later for the first time on September 9, 2003. (Docket Entry 286)

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On several occasions the case has been set for sentencing, later to be continued by the court. (Docket Entries 291and 293)

During the past two years we have requested from the court on several occasions to impose sentence on this defendant in absentia, inasmuch as the defendant herein was deported from the jurisdiction having served the maximum of the term imposed on him.

WHEREFORE, it is hereby requested that a hearing be set and that the sentence of Basilio Beza-Gary be imposed in absentia.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico
on this 21st day of June, 2006.

JOSEPH C. LAWS, JR.
FEDERAL PUBLIC DEFENDER

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